

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

JERRY LEE DOUGLAS,

Petitioner,  
vs.

SUPERINTENDENT ZEE HYDEN,

Respondent.

3:03-0221-cv-JWS-JDR

**ORDER  
DENYING PETITIONER'S  
MOTION FOR  
RECONSIDERATION**

(Docket No.112)

The court has now before it a motion by the petitioner, Jerry Lee Douglas, seeking reconsideration and clarification of the court's order denying his motion to expand the evidentiary record on his petition for writ of habeas corpus brought under 28 U.S.C. § 2254, or, alternatively, for an evidentiary hearing. (Docket No. 112). First, the court stands corrected on one point. As the instant motion states Mr. Douglas did not file a motion for extension of time to reply to the respondent's opposition to his motion to expand the record. Beyond that, the motion is without merit. Quite simply, and as discussed at length in the court's previous order, the court is presently convinced that this case can likely be decided on record review. If after addressing the briefing on the merits the court is of a different view, it will call for any expansion of the evidentiary

record or hearing that it deems is necessary. Mr. Douglas has made and preserved his the record on this point. No further discussion of the matter is necessary.

**CONCLUSION**

For the foregoing reasons the petitioner's motion at docket No. 112 for reconsideration of the court's order denying his motion for expansion of the record, or, alternatively, for an evidentiary hearing is **DENIED**. The petitioner's reply to the respondent's responsive brief on the merits at docket No. 106 shall be filed by the close of business November 3, 2006.

DATED this 23<sup>rd</sup> day of October, 2006, at Anchorage, Alaska.

/s/ JOHN D. ROBERTS  
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JOHN D. ROBERTS  
United States Magistrate Judge